

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 7, 2002**

PRESENT: John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District

ABSENT: Walter L. Alcorn, Commissioner At-Large
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner de la Fe MOVED THAT THE PUBLIC HEARING ON DPA-B-846-2, EXXON MOBIL CORPORATION, BE DEFERRED TO A DATE CERTAIN OF JANUARY 16, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

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Commissioner DuBois MOVED THAT THE DECISION ONLY ON SE-2002-DR-008, DANIEL P. BURKE, BE DEFERRED TO A DATE CERTAIN OF DECEMBER 12, 2002.

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioners Alcorn and Wilson absent from the meeting.

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In Commissioner Wilson's absence, who was handling this case for Commissioner Kelso, Commissioner Murphy MOVED THAT THE DECISION ONLY ON RZ-2002-LE-005, SUSAN WISE CLAY, BE DEFERRED TO A DATE CERTAIN OF NOVEMBER 20, 2002.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

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RZ-2002-MV-007 - RANDOLPH J. BENDER (Decision Only)

(The public hearing on this application was held on November 6, 2002. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE RZ-2002-MV-007, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 1, 2002 AND DISTRIBUTED LAST NIGHT.

Commissioners Kelso and Hall seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD APPROVE A REQUEST TO CONSTRUCT A CUL-DE-SAC WITH A RADIUS SMALLER THAN THE 45 FEET TO FACE-OF-CURB AND 55 FEET TO THE RIGHT-OF-WAY AS INDICATED IN THE PUBLIC FACILITIES MANUAL.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. PUBLIC FACILITIES MANUAL AMENDMENTS
2. SE-2002-DR-012 - BETTY M. MEADOWS
3. RZ-1999-SU-071 - BADREDDIN PLASEIED
PCA-78-C-079-2 - BADREDDIN PLASEIED
4. SE-2002-MA-003 - SPRINT PCS/APC REALTY & EQUIPMENT CO.,
LLC/SLEEPY HOLLOW UNITED METHODIST CHURCH
2232-M02-8 - SPRINT PCS/APC REALTY & EQUIPMENT CO., LLC/SLEEPY
HOLLOW UNITED METHODIST CHURCH
5. PCA-74-2-112-3 - MCDONALD'S CORPORATION
SE-2001-SP-055 - MCDONALD'S CORPORATION
6. RZ-2001-BR-022/FDP-2001-BR-022 - ROCKY GORGE HOMES, L.L.C.

This order was accepted without objection.

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PUBLIC FACILITIES MANUAL AMENDMENTS - Proposed amendments include alternatives that would permit the use of high-density polyethylene pipe for specific storm drainage applications. PUBLIC HEARING.

Commissioner Moon announced that he would be deferring a decision on this application after the close of the public hearing to November 14, 2002.

Ms. Jan Leavitt, with the Department of Public Works and Environmental Services, presented the staff report, a copy of which is in the date file. She noted that staff did not agree with the recommendation of the Engineering Standards Review Committee (ESRC) to approve the proposed amendment, but did recommend that the Public Facilities Manual (PFM) be revised to permit high density polyethylene (hdpe) pipe for temporary drainage installations and for use at residential driveway entrances within the Virginia Department of Transportation (VDOT) right-of-way.

Chairman Murphy called the first listed speaker and reviewed rules for testimony before the Commission.

Dr. Clayton Ormsby, 9114 Coronado Terrace, Fairfax, representing the Engineering Standards Review Committee (ESRC), said that he was the sponsor of the amendment and had served as the Chairman of the ESRC Subcommittee which had evaluated the use of hdpe pipe in stormwater drainage applications. He said based on technical and performance excellence and environmental, safety and economic advantages, the ESRC recommended that the use of hdpe pipes for storm drainage pipe applications be included in the PFM. (A copy of his presentation is in the date file.)

Dr. Ormsby responded to a question from Commissioner Byers about the use of hdpe pipes in residential developments.

Responding to questions from Commissioner Moon, Dr. Ormsby explained that the ESRC was appointed by the Board of Supervisors and although County staff was involved in the deliberative process of the Committee, they did not have voting status. Commissioner Moon noted that staff contended that some of the issues associated with hdpe pipes, such as installation, inspection, scope and environmental matters, had not been adequately addressed by the subcommittee. Dr. Ormsby replied that subcommittee working groups had studied those issues and made recommendations to the committee which had voted to incorporate them into the proposed PFM Amendment to be presented to the Planning Commission and the Board of Supervisors. In response to another question from Commissioner Moon, Dr. Ormsby said that four meetings of the subcommittee had been held over a one-year period and that because it had been very difficult to get a quorum, a vote on the amendment had been taken by e-mail, a copy of which had been sent to staff who did not comment. He said the e-mail vote had been unanimous. Dr. Ormsby responded to further questioning by Commissioner Moon about the size limitations, flammability, and inspection of the pipes. Dr. Ormsby also said that the amendment was necessary because the PFM did not permit the use of hdpe pipes which was a very good material with a proven track record.

Dr. Ormsby and Mr. Craig Carinsi, Director, Environmental and Facilities Inspection Division, Department of Public Works and Environmental Services (DPWES), responded to questions from Commissioner Moon about staff's amendment to the ESRC's proposal, found in Attachment C of the staff report, requiring the inspection, evaluation, and certification of the pipes by a geotechnical engineer.

William Thomas, Esquire, Reed Smith, 3110 Fairview Park Drive, Falls Church, representing Advanced Drainage Systems, a manufacturer of hdpe pipes, expressed support for the amendment as proposed by ESRC. He explained that VDOT allowed the use of hdpe pipes throughout Virginia, including Fairfax County, because they were not bound by the requirements of the County's PFM. He pointed out, however, that a private contractor building a road in the County which would be turned over to VDOT, had to follow the PFM and therefore could not use hdpe pipes, which he said was unfair. Addressing staff's position that the use of the pipes was not in the public interest, he pointed out that according to statistics published by the Federal Highway Administration in 1999, 20 percent of pipes used nationwide were hdpe pipes. He noted that the charter of the ESRC stated that the committee was considered to be the last advisor in the chain of technical advisors to the Board of Supervisors. He said review of ESRC minutes led him to believe that staff had raised their issues and had had an opportunity to be heard.

Responding to a question from Commissioner Moon, Mr. Thomas said the principal difference between the position of staff and the ERSC was that staff opposed the use of the pipes in privately built roads which would be turned over to VDOT for maintenance.

In response to a question from Commissioner Smyth, Mr. Scott St. Clair, Director, Maintenance and Stormwater Management Division, DPWES, said that if a complaint was received concerning pipes in a development with private stormwater facilities, a site visit would be made and emergency action taken, if necessary, to protect public and private property. In a non-emergency situation, he said staff would determine if an easement had been dedicated to Fairfax County and if not, it would be the responsibility of the property owner to resolve the problem.

Responding to a question from Commissioner Moon, Mr. St. Clair said that staff's concerns about quality control, monitoring of the construction process, flammability, and service life issues had not been adequately addressed. Mr. St. Clair also noted that VDOT had full-time inspectors to monitor the installation of the pipes, but the County did not.

In response to a question from Commissioner de la Fe, Mr. St. Clair said that he would provide him with information on the long-term performance of hdpe pipes from other jurisdictions.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Moon for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Moon MOVED TO DEFER THE DECISION ONLY ON THE PROPOSED PFM AMENDMENT RELATED TO STORM DRAINAGE PIPES TO A DATE CERTAIN OF NOVEMBER 14, 2002.

Commissioners Smyth and Hall seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioners Alcorn and Wilson absent from the meeting.

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SE-2002-DR-012 - BETTY M. MEADOWS - Appl. under Sect. 3-104 of the Zoning Ordinance to permit a plant nursery. Located at 11254 Leesburg Pi. on approx. 5.0 ac. of land zoned R-1. Tax Map 11-2 ((1)) 22C. DRANESVILLE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated August 20, 2002. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Commissioner Hall, Ms. Swagler clarified Development Condition Number 7b concerning seasonal sales and said staff would consider revising this condition to make it more specific.

Ms. Strobel stated that the applicant, who had owned and operated a plant nursery on the subject property since 1979, had made a number of improvements based upon its prior grandfathered use as a plant nursery. She said the primary business at the site was the sale of plants, although accessory items such as mulch and soil were also sold as a convenience to customers. She explained that the application had been filed to bring the property into compliance with the requirement that plant nurseries needed special exception approval to operate in an R-1 District. She said the most serious issue was the seepage of water onto adjacent property to the west owned by Mr. Tam Chu. She explained that it was difficult to ascertain exactly where the water was coming from, but that it was not surface water runoff. She said one leak in the well on the applicant's property had been found and repaired, but the problem still existed. She explained that County officials had inspected the property and concluded that there was no surface water flow from the plant nursery and that the discharge was from ground water. She said engineers who had been consulted about this problem believed that it may have been the result of the grading of Mr. Chu's property at the time his house was built. Nevertheless, she said the applicant would continue to address this problem. She said the applicant was in agreement with the proposed development conditions with the exception of Number 5, requiring a service drive connection to the west of the property. She said the reasons for objecting to this condition were because it would be very costly and might have limited benefit; it should have been made when the adjacent homes had been constructed in 1995; and the improvement would eventually be

made by the Virginia Department of Transportation. In conclusion, Ms. Strobel said that Meadows Farms Nursery had been a valued member of the business community for over 25 years and had pre-existed many of the homes in the area. She submitted for the record a letter in support of the application from Christopher Davis, the property owner closest to the nursery. (A copy of this letter is in the date file.) She also submitted a petition in support of the nursery. (The petition is in the date file.) She requested a favorable recommendation.

Commissioner Koch pointed out that the adjacent property owners had most likely been aware of the existing nursery when they purchased their properties, and that it did not appear to him that the drainage problem was caused by the nursery.

Commissioner DuBois announced her intent to defer a decision on this matter after the close of the public hearing.

Chairman Murphy called the first listed speaker.

Mr. Timothy Zimmerman, 1061 Northfalls Court, Great Falls, stated that the nursery had a negative impact on the surrounding neighborhood and that concerns about noise, air pollution and surface water runoff had not been resolved. He requested that development conditions concerning the use of mechanized equipment and the control of sprinkler runoff and seepage be revised.

Mr. Tam-Anh Chu, 1065 Northfalls Court, Great Falls, requested that noise in the early morning, late at night and during the weekends be reduced or eliminated, and that dust and chemical fertilizers be reduced or eliminated. He said the water runoff from the nursery was a health hazard and said that this issue must be addressed also.

Responding to a question from Commissioner Byers, Mr. Chu said he had had water problems on his property since the day he moved in.

Commissioner de la Fe commented that perhaps the water problem was the responsibility of the builder of Mr. Chu's house.

Ms. Kathy Zimmerman, 1061 Northfalls Court, Great Falls, pointed out that there was standing water on Mr. Chu's property during the drought the area had recently experienced. She expressed grave concern about the threat of malaria and West Nile virus, spread by mosquitoes which breed in standing water. She also said that music from festivals held on the property was very intrusive.

Commissioner Hall said she would support a condition prohibiting music in the evening. She also said she was not convinced that the water runoff problem was caused by the nursery.

Commissioner Smyth recalled a case in the Providence District where water runoff had destroyed the septic field on a nursery property.

Mr. David Chin, 1051 Northfalls Court, Great Falls, said the nursery negatively affected his quality of life because of noise, engine fumes and dust created by the use of heavy duty equipment.

Mr. Robert Marro, 1055 Northfalls Court, Great Falls, said that a bulk commercial operation was incompatible with a residential neighborhood. He said the nursery should be required to comply with County regulations designed to eliminate or minimize adverse affects on the surrounding neighborhood.

Mr. John Ulfelder, 9151 Old Dominion Drive, McLean, Chairman, Land Use Committee, Great Falls Citizens Association, expressed support for the application based on the revised Development Conditions dated November 6, 2002. He said the Association supported connection of the service road, but opposed the request for a trail waiver during the site plan review process. He also expressed concern about the water seepage in the backyard of Mr. Chu's property. (A copy of his remarks is in the date file.)

Mr. Ulfelder responded to a question from Commissioner Koch about the proposed trail.

Mr. Evan Galen, 1010 Kimberly Place, Great Falls, said he agreed with the concerns expressed by previous speakers.

Ms. Swagler responded to questions from Commissioners Hall and DuBois concerning Development Condition Number 5 requiring that a service drive be constructed to connect with the existing off-site service drive.

There were no further speakers, therefore, Chairman Murphy called upon Ms. Strobel for a rebuttal statement.

Ms. Strobel said if the service drive connection was required, a construction easement and retaining walls would be necessary because of the grade differential between the properties, which would make the connection very costly. She said the water problem was not a surface water issue, but appeared to be a seepage problem due to improper grading, and pointed out that Development Condition Number 22 had been added in an attempt to lessen ground water seepage. She noted that Development Condition Number 20 addressed concerns about the use of mechanized equipment and that storage bins had been moved at the request of the neighbors to mitigate noise and dust.

Ms. Strobel responded to questions from Commissioners Koch and Harsel about the impact of noise on the neighbors.

Mr. Paul Jeannin, with Planning and Development Services, the engineering firm hired by the applicant, responded to questions from Commissioner Harsel about water runoff.

In response to a question from Commissioner Byers, Ms. Strobel said the applicant would look into the possibility of putting down gravel to reduce the amount of dust caused by the use of the mechanized equipment.

Mr. Jeannin responded to a question from Commissioner de la Fe about the possibility of using the Reston Association's stormwater management pond.

Responding to a question from Commissioner DuBois, Ms. Strobel said that the bulk storage bins on the property were there when the neighboring houses were built. In response to another question from Commissioner DuBois, Mr. Jeannin said that the stormwater runoff onto Mr. Chu's property went under Route 7 and drained into the Reston Association's stormwater management pond.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner duBois for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner DuBois MOVED THAT WE DEFER DECISION ON SE-2002-DR-012 TO A DATE CERTAIN OF NOVEMBER 20, 2002.

Commissioners Hall and Byers seconded the motion carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

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RZ-1999-SU-071 - BADREDDIN PLASEIED - Appl. to rezone from R-1 and WS to R-3 and WS to permit residential development at a density of 3.0 dwelling units per acre (du/ac). Located on the N. side of Ox Hill Rd., approx. 250 ft. W. of West Ox Rd. on approx. 1.00 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 46-3 ((1)) 2A. (Concurrent with PCA-78-C-079-2.) SULLY DISTRICT.

PCA-78-C-079-2 - BADREDDIN PLASEIED - Appl. to amend the proffers for RZ-78-C-079 to permit public road dedication with no attributable density. Located in the N.W. quadrant of the intersection of West Ox Rd. and Ox Hill Rd. on approx. 28,154 sq. ft. of land zoned R-3 and WS. Comp. Plan Rec: 2-3 du/ac. Tax Map 46-3 ((9)) E. (Concurrent w/RZ-1999-SU-071.) SULLY DISTRICT. JOINT PUBLIC HEARING.

Barnes Lawson, Jr., Esquire, with Lawson and Frank, PC, reaffirmed the affidavit dated October 28, 2002. There were no disclosures by Commission members.

Commissioner Koch asked Chairman Murphy to ascertain whether or not there were any speakers in the audience who wished to address these applications. There were none, therefore, Commissioner Koch requested that the staff report and the applicant's presentation be waived. No objections were expressed, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on these applications. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ-1999-SU-071, SUBJECT TO THE PROFFERS DATED NOVEMBER 6, 2002.

Commissioners Kelso and Byers seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

Commissioner Koch FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA-78-C-079-2, SUBJECT TO THE PROFFERS DATED OCTOBER 15, 2002.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

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The Commission recessed at 10:35 p.m. and reconvened in the Board Auditorium at 10:50 p.m.

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SE-2002-MA-003 - SPRINT PCS/APC REALTY & EQUIPMENT CO., LLC/SLEEPY HOLLOW UNITED METHODIST CHURCH - Appl. under Sect. 3-204 of the Zoning Ordinance to permit addition of a telecommunications facility (monopole) to an existing church with a child care center. Located at 3435 Sleepy Hollow Rd. on approx. 5.04 ac. of land zoned R-2. Mason District. Tax Map 60-2 ((33)) 1A. (Concurrent with 2232-M02-8.) MASON DISTRICT.

2232-M02-8 - SPRINT PCS/APC REALTY & EQUIPMENT CO., LLC/SLEEPY HOLLOW UNITED METHODIST CHURCH - Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to permit addition of a telecommunications facility (monopole) to an existing church with a child care center. Located at 3435 Sleepy Hollow Rd. on approx. 5.04 ac. of land zoned R-2. Tax Map 60-2 ((33)) 1A. (Concurrent with SE 2002-MA-003.) MASON DISTRICT. JOINT PUBLIC HEARING.

James Michal, Esquire, with Jackson and Campbell, reaffirmed the affidavit dated August 29, 2002. Commissioner Kelso disclosed that he had a relative who was an employee of Sprint PCS, therefore, he recused himself from this hearing.

Mr. Francis Burnszynski, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report on SE-2002-MA-003, a copy of which is in the date file. He noted that staff recommended approval of the application. Mr. David Jillson, Planning Division, DPZ, presented the staff report on 2232-M02-8, a copy of which is in the date file. He noted that staff recommended that the Planning Commission find the proposed telecommunications facility to be substantially in accord with the Comprehensive Plan.

Mr. Michal stated that the height of the proposed monopole had been reduced from 120 feet to 110 feet. He said that Appendix 7 of the staff report contained a memorandum from the Fairfax County Department of Information Technology stating that the proposed facility posed no harm to the County or its citizens. He explained that either a treepole design, like the one used at Mount Vernon, or a unipole design, which looked like an antique light pole, could be used and would be able to accommodate two additional carriers, although at the present time AT&T Wireless was the only carrier who had expressed an interest in co-locating on the pole. He described coverage in the vicinity, noting that a significant void existed along Sleepy Hollow Road, which the proposed facility, if approved, would fill. He added that Sleepy Hollow Elementary School was not a viable alternative because Sprint was not willing to build the facility and turn it over to the school system.

In response to a question from Chairman Murphy, Mr. Jillson said that the school system had a contract with Milestone Communications who managed and maintained monopole facilities on school property, but that he was not sure of the exact arrangement between them as far as ownership of the facilities was concerned.

Mr. Michal explained that parks in the area where coverage was needed were not suitable alternate sites because a taller structure would be required due to ground elevation. He said the church site was well buffered and would reduce the visual impact of the pole. Mr. Michal read into the record a letter from George McLennan, President, Lake Barcroft Association Inc., which expressed support for the facility. (A copy of the letter is in the date file.) In conclusion, Mr. Michal said that concerns of citizens had been taken into consideration by offering alternative designs and by reducing the size of the pole and the ground equipment. He said the proposal was in harmony with the Comprehensive Plan, and requested favorable consideration.

Referring to the letter entered into the record by Mr. Michal, Commissioner Hall noted that the Lake Barcroft area was not in the immediate vicinity of the proposed location of the monopole.

Mr. Michal responded to questions from Commissioner Harsel and Byers about the size and capacity of the equipment cabinets.

Ms. Margo Glavis Lyddane, 3419 Sleepy Hollow Road, Falls Church, expressed opposition to the proposed facility because it would have an adverse impact on the surrounding area, and requested that alternative sites be considered. She also said that there was no proof that such facilities were not dangerous to humans. (A copy of her remarks is in the date file.)

Commissioner Byers commented that while there were possible medical issues with electromagnetic radiation, a direct causal relationship had never been proven.

Commissioner Hall said the church site was a better location than the school site because of substantial buffering and ground elevation.

Responding to a question from Commissioner Hall, Mr. Jillson stated that the Federal Telecommunications Act of 1996 clearly stated that environmental health impacts could not be used as a basis by local jurisdictions to deny telecommunications facilities as long as those facilities were installed in accordance with the Federal Communications Commission (FCC) regulations. He noted that the County's Department of Information Technology had reviewed the application and concluded that radiation emissions were within guidelines established by the FCC.

Mr. Gene Woo, 6555 Brooks Place, Falls Church, expressed opposition to locating the pole on the church property because it would diminish property values and create bad feelings with the neighbors. He said public property, such as Sleepy Hollow Elementary School or Sleepy Hollow Park, was more suitable for such facilities and that the church site had been chosen for economic reasons only. He submitted a petition signed by 137 residents opposing the church location because it could pose a serious health hazard, especially for children and senior citizens, and also because it would deface the natural beauty of the land. (A copy of the petition is in the date file.)

Chairman Murphy commented that it seemed incongruent to him that the signers of the petition were opposed to the pole on the church property because it could adversely affect the health of children, yet were recommending a school or a park as alternative locations.

Mr. George Glavis, 1205 Elm Street, Front Royal, said he was part owner with his mother and sister of property on Sleepy Hollow Road, next to the site of the proposed tower. He said that the school site would be a more suitable location for the facility, and requested that the applications be denied based on technical, legal and aesthetic issues, as explained in his written remarks. (A copy of his remarks is in the date file.)

In response to a question from Commissioner Hall, Mr. Glavis said the school site would be more aesthetically suitable for the pole due to the topography of the land, even though it was not as heavily buffered as the church site

Mr. Justin Dunie, 3501 Georges Lane, Falls Church, said he was opposed to the proposed facility and questioned staff's research which determined that the church site was the most suitable location for the facility. He pointed out that most of the buffering surrounding the church

property was made up of deciduous trees which would lose their leaves, making the a treepole visually intrusive during winter months. He circulated photo simulations of the treepole. (A copy of these photos is in the date file.)

Ms. Sara Kroll, with Land Design Consultants, 8569 E. Sudley Road, Manassas, representing Emily and Gene Woo, said from an existing and proposed land use perspective, an alternative site located between the church and a house on the site, near the area of the driveway turnaround, would lessen the impact on current and potential new adjoining properties. She requested that staff fully consider this alternative location and said that a bell tower monopole might be better suited to the architectural landscape of the church.

In response to a question from Commissioner de la Fe, Ms. Kroll said that she wanted an opportunity to further poll the community and complete necessary field tests to determine the location which would have the least impact on everyone concerned.

Commissioner Hall commented that she believed the church site was more desirable than the alternative site suggested by Ms. Kroll because the heavy buffer with tall trees would not be at risk if the Glavis and Woo properties were subdivided at some future time.

Ms. Emily Woo, 6555 Brooks Place, Falls Church, expressed opposition to the proposed facility because it would deface private woodlands and produce visual and atmospheric pollution in the neighborhood. She also suggested that the applicant had chosen the church site for economic reasons. (A copy of her remarks is in the date file.)

Commissioner Hall disagreed with Ms. Woo's assertion that the church site had been chosen for economic reasons alone.

Mr. Peter Wysocki, 3436 Sleepy Hollow Road, Falls Church, said perhaps the church was desirous of having the pole located on its property in order to raise revenue to finance its recent expansion. He also said he was concerned that the facility would have a negative impact on property values and expressed grave concern about unknown health affects caused by such facilities.

Chairman Murphy said that there was no conclusive proof that monopoles negatively affected health or property values.

Mr. Jose Ruisanchez, 3443 Malbrook Drive, Falls Church, said he concurred with the opposition to the applications expressed by previous speakers.

Mr. Royce Givens, 6632 Tansey Drive, Falls Church, said he was a member of Sleepy Hollow Methodist Church and lived about one-half block from it. He said the first phase of the expansion had been financed through cash contributions and other means and that the church had no debt at this time and did not anticipate any debt of a substantial nature in the future.

Terence Cooke, Esquire, with Cole, Raywid and Braverman, LLP, 1919 Pennsylvania Avenue, N.W., Washington, D. C., representing AT&T Wireless Services, spoke in support of the applications and said AT&T Wireless was very much interested in co-locating on the proposed pole. He also said that he agreed that a monopole facility could not be adequately screened at Sleepy Hollow Elementary School. Addressing a question raised earlier, he said it was the policy of the Fairfax County School Board that once a pole was constructed on school property, the ownership of the pole would be deeded to the school.

Chairman Murphy asked Mr. Jillson to provide the Commission with further information about the arrangement the School Board had with communications carriers.

In response to a request from Commissioner Hall, Mr. Cooke said he would provide her with information about AT&T's coverage needs in the area.

Mr. Michael Tomsey, 3432 Sleepy Hollow Road, Falls Church, said he supported the views of his neighbors and although there was no conclusive proof that monopole facilities caused health problems, people were scared.

There were no further speakers, therefore, Chairman Murphy called upon Mr. Michal for rebuttal remarks.

Mr. Michal submitted for the record a report by Thorne Consultants, Inc., entitled "Monopole Impact Study on Residential Real Estate Values," which concluded that there was no adverse economic impact on properties adjacent to monopoles. (A copy of this report is in the date file.) He noted that the Mason District Land Use Committee voted to support this application. He said the applicant looked closely at the alternative location suggested by Ms. Kroll and concluded that it was not as desirable as the proposed location because the tree cover was not as tall or as dense. He pointed out that the proposed location would minimize the visual impact with the burden equally shared by the whole neighborhood. He said while he too was committed to locating facilities on public property, it was not possible in this case. He said the requirements for special exception approval had been met and the applications were in harmony with the Comprehensive Plan and respectfully requested the Commission's favorable recommendation.

Commissioner Hall commented on the importance of reliable cell phone communications, especially after the terrorist attacks on the United States on September 11, 2001. She said it was not easy to hide a pole of this height and that the proposed location was most likely the best site for it. She expressed her appreciation to the citizens who had expressed their views. She then called upon Mr. Michal to review coverage needs in the area.

Chairman Murphy commented that his decision to vote to deny or recommend approval of these applications would be based solely on whether or not they met the criteria for 2232 and special exception applications, and on their compliance with the recommendations of the Comprehensive Plan and Zoning Ordinance provisions.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON SE-2002-MA-003 AND 2232-M02-8, SPRINT PCS/APC REALTY/SLEEPY HOLLOW UNITED METHODIST CHURCH, TO A DATE CERTAIN OF NOVEMBER 14, 2002 WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting; Commissioner Kelso not present for the vote.

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The next case was in the Springfield District, therefore Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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SE-2001-SP-055 - MCDONALD'S CORPORATION - Appl. under Sect. 5-504 of the Zoning Ordinance to permit a fast food restaurant with drive-through. Located on the E. side of West Ox Rd., approx. 200 ft. N. of its intersection with Piney Branch Rd. on approx. 1.13 ac. of land zoned I-5. Tax Map 56-1 ((13)) 2. (Concurrent with PCA 74-2-112-3.) SPRINGFIELD DISTRICT.

PCA-74-2-112-3 - MCDONALD'S CORPORATION - Appl. to amend the proffers for RZ-74-2-112 to permit commercial development with an overall Floor Area Ratio (FAR) of 0.08. Located on the E. side of West Ox Rd., approx. 200 ft. N. of its intersection with Piney Branch Rd. on approx. 1.13 ac. of land zoned I-5. Comp. Plan Rec: Fairfax Center Area: Office at .25 FAR at Overlay Level. Tax Map 56-1 ((13)) 2. (Concurrent with SE-2001-SP-055.) SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Martin Walsh, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated October 28, 2002. There were no disclosures by Commission members.

Mr. Frances Burnszynski, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

Commissioner Murphy noted that he would be deferring a decision on this matter after the close of the public hearing.

Mr. Burnszynski and Ms. Leslie Johnson, ZED, DPZ, responded to a question from Commissioner Smyth about Development Condition Number 7 concerning lighting of the proposed development. Commissioner Murphy said that he would carefully review this development condition before the decision was made on these applications, to ensure that all requirements were met.

Mr. Walsh stated that the applicant had made a number of modifications to the proposed development in response to concerns of staff. He said these revisions included the reorientation of the building to improve on-site circulation, relocation of the drive-through windows, provision of public entrances on the north and west sides of the building, reconfiguration of the parking spaces to avoid conflict with pedestrian access, the addition of an elevated crosswalk, and the elimination of access to the site via West Ox Road. He explained that access would be provided by a private road which led to the West Ox Road industrial park, and a deceleration lane would be provided along the frontage of the property. He noted that the originally proposed 20-foot freestanding sign had been changed to a 10-foot monument sign. He said the applications had the support of staff and the Windsor Mews Community Association, and were compatible with the surrounding area. He requested favorable consideration.

Vice Chairman Byers called for speakers from the audience.

Mr. Thomas McDonald, 12307 Cannonball Road, Fairfax, expressed support for the proposed development.

There were no further speakers, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON PCA-74-2-112-3 AND SE-2001-SP-055 TO A DATE CERTAIN OF NOVEMBER 13, 2002 WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting; Commissioner Kelso not present for the vote.

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Chairman Murphy resumed the chair.

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RZ-2001-BR-022/FDP-2001-BR-022 - ROCKY GORGE HOMES, LLC -
Appls. to rezone from R-1 and WS to PDH-12 and WS to permit residential development at a density of 8.1 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located on the E. side of Ox Rd., immediately S. of the City of Fairfax boundary on approx. 4.58 ac. of land. Comp. Plan Rec: 5-8 du/ac. Tax Map 57-4 ((1)) 1A, 1, 3 and 7.
BRADDOCK DISTRICT. PUBLIC HEARING.

Ms. Elizabeth Baker, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated October 7, 2002. There were no disclosures by Commission members.

Mr. Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to a question from Commissioner Smyth, Mr. Braham said that staff would have no objection, with the agreement of the applicant, to adding a proffer stating that 37 dwelling units would be built within Fairfax County and 10 within the City of Fairfax, with an overall density of 8 dwelling units per acre.

Responding to another question from Commissioner Smyth concerning the use of infiltration trenches, Mr. Braham pointed out that a proffer required the applicant to seek administrative approval or to file a proffered condition amendment if alternative stormwater management measures were necessary which affected the site design. He also said he would consult with the staff of the Department of Public Works and Environmental Services concerning the use of infiltration trenches in residential neighborhoods.

Ms. Baker explained that the applicant had worked with both the City of Fairfax staff and County staff to address their concerns. She said the application was scheduled for public hearing before the City of Fairfax Planning Commission on Monday, November 11, 2002. Addressing the comments made by Commissioner Smyth concerning density, Ms. Baker said she would have no objection to adding a proffer specifying the overall density and the density in each jurisdiction. With regard to the infiltration trenches, she said she thought the County encouraged innovative BMP opportunities, but would work with Mr. Braham on this issue.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. The Commission had no comments or questions and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Harsel for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ-2001-BR-022 AND FDP-2001-BR-022 TO A DATE CERTAIN OF NOVEMBER 21, 2002.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting; Commissioner Kelso not present for the vote.

Commissioner Harsel FURTHER MOVED THAT THE BOARD OF SUPERVISORS RESCHEDULE THEIR HEARING DATE FROM NOVEMBER 18, 2002 TO DECEMBER 9, 2002.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting; Commissioner Kelso not present for the vote.

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The meeting was adjourned at 1:07 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: September 9, 2004

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission